

**UNOFFICIAL
STATE FIRE COMMISSION MEETING
CHARLESTON, WV
AUGUST 22, 2008**

The official business meeting was called to order at 8:30 AM by Chairman Charles Eversole.

COMMISSIONERS PRESENT:

Charles L. Eversole, Chairman
Bill L. Spencer, Vice Chairman
Dale L. Clayton
Francis A. Guffey, II
James L. Oldaker
Victor Stallard, Jr.

John Bailey, Secretary
Joseph J. Bostar, III
Larry Goodwin
Randy James
Chuck Runyon

COMMISSIONERS ABSENT:

Kenneth Morgan

David Tolliver

APPROVAL OF MINUTES

Commissioner Runyon made a motion to approve the minutes of June 13, 2008. Commissioner James seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

INTRODUCTION OF GUESTS

Edward Hicks, Dept. of Education
Lanny Adkins, WVU-FSE
Cory Roblee, ICC
Ron Bateman, ISO
Robert Nevins, ISO
Tom Miller, Sissonville VFD
Ben Roy, NFPA
David C. Harman, Keyser Fire Dept
Doug Mongold and the Membership of the WV State Firemen's Association

STAFF PRESENT:

Sterling Lewis, Jr., State Fire Marshal
Nancy Olson, Secretary
Debbie Hudson, Secretary
Carol Nolte, Deputy Fire Marshal
Reed Cook, Deputy Fire Marshal
Pat Lynch, Office Assistant

Mr. Dave Harman stated he had not attended a Fire Commission meeting for a couple of years and he sees a few smiling faces. He stated that overall the Fire Commission does their job that they were created to do. He stated he hasn't always

agreed with everything the Commission has done and he has made it clear on several occasions. But he wanted to remind the Fire Commission when they are considering all the requirements, to remember Recruitment and Retention has now hit West Virginia very hard. He asked that the Commission keep the smallest fire department in mind when making the rules.

Mr. Tom Miller, Sissonville Fire Department, Kanawha County, WV. He stated the State Firemens' Association has come up with five bullet points for recruitment and retention. A copy was delivered to Interim Committee F. He has two requests for the State Fire Commission. One is that he asks the Commission to review those 5 points and draft a letter to Interim Committee F either supporting or giving input on those 5 points. One of the five points is the Length of Service Awards Program, another point is the Economic Impact Study that was ordered three years ago by the Legislature to determine what benefit the volunteer fire departments provided the State of West Virginia. He did some number crunching and just projections, it's 200 million dollars a year.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

CORRESPONDENCE

ISO "Draft Concept FSRS 2009". Commissioner Stallard applauded ISO for their efforts to start reconsidering and perhaps revising the existing ISO schedule and asking for fire service input.

WV Landlord's Association. Commissioner Stallard stated he thinks they are promoting a wireless fire alarm system in some dwellings. He feels by their correspondence that it is a NFPA approved system and is currently approved in the State of California and New York. He feels that before the Fire Commission denies their request, he feels there should be an investigation through NFPA and perhaps other states to be sure that we understand their successes and/or problems before a further decision is made.

Commissioner Guffey stated he did some research on NFPA 72. This contains the household fire warning equipment provisions in NFPA codes. It is not a single code and references many other NFPA codes. Essentially, depending on the number of occupants, the number of floors, type of construction, certain types of battery operated and wireless equipment can be used for smoke alarm and fire alarms. But according to NFPA 101, "Battery powered smoke alarms rather than house electric powered smoke alarms shall be permitted both the facility is demonstrated to the authority having jurisdiction that the testing, maintenance and battery replacement programs will ensure reliability of power to the smoke alarms". NFPA 72 is not a simple fix. There has to be exceptions testing and periodic testing and this has to be done by third party groups.

STAFF REPORTS

Fire Marshal Lewis stated that Middleway Volunteer Fire Department has completed Phase II and recommends acceptance. Commissioner Spencer made a motion to accept Fire Marshal's recommendation. Commissioner Runyon seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Fire Marshal Lewis stated that they are dealing with a situation in Jefferson County with Bakerton VFD. They have been having boundary problems with another fire department and possibly with the county. He stated they are in negotiations and are hopeful it will be resolved and will bring back to the Fire Commission acceptance with the fire districts. He stated he talked to ISO and they are working with the fire department and they now have a first due area.

Fire Marshal Lewis stated that they are still waiting for the Phase II application for Bud Alpoca VFD in Wyoming County. No progress has been made.

Fire Marshal Lewis stated that they are still awaiting the Phase II application for Mate Creek VFD, Mingo County. No progress at this time.

He stated the Certification of Building Code Officials, CSR 87-7 and the modified rule was filed with the Secretary of State's Office on July 18th for public comment. The public comment period ended on August 20th and at this time, no comments have been received and they are planning as an agency approved rule during the week of August 25th.

He stated on the Suppression of Fire Protection Work, CSR 103-3. It has completed public comment period with no comments received and will be filed as a agency approved rule on August 6th with the Secretary of State's Office and the Legislative Rule Making Review Committee.

He stated he has received a memo concerning the Hookerville-Muddlety VFD in Nicholas County. Early reports indicate that this department will be voluntarily closing on or about September 30, 2008 due to a lack of membership. Preliminary discussion with the county has been taking place and they will have more information as it becomes available. This is the classic problem with recruitment and retention.

He stated they had received two complaints on fire departments. The first one is on Summit Park VFD in Harrison County. The complaint was registered by the County Commission. There were a number of issues with this department, the electricity had been turned off at the fire department, the phone service was turned off, their workers' compensation had been expired for over two months. The insurance on their apparatus and building had expired for almost the same period of time. They did a preliminary investigation to find out the complaint was a valid complaint and he brought it to the Fire Commission. At this point in time, the fire department has voluntarily ceased running calls. The neighboring fire departments are running calls. Before coming to the meeting, they checked and found that the County Commission is picking up the Workers' Comp. They could not find out about the insurance on the apparatus and building. It will be staff's recommendation to you, if you find this complaint is valid and you send it back for investigation, that the Fire Commission rule on a temporary cease and desist order of running calls for a period of six months until they garner back

everything they need to be a certified and recognized fire department and at the end of that time, if further action needs to be taken, the Fire Commission could do that. Commissioner Runyon made a motion that the Fire Commission accept the Fire Marshal's recommendation. Commissioner Goodwin seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

The second complaint is on Lubeck Fire Department, Wood County. When this letter of concern and complaint was received, with the nature of the complaint, they started investigating quickly. Parts of the complaint were turned over to State Police and the other two sections of the complaint were not under the authority of the State Fire Commission or State Fire Marshal. The preliminary investigation of the parts of the complaint turned over to the State Police was invalid. It will be staff's recommendation that it is an invalid complaint for the State Fire Commission and the State Fire Marshal to handle and at this time, we will close this investigation. Commissioner Spencer made a motion that the Fire Commission vote in favor the recommendation of the State Fire Marshal. Commissioner Stallard seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Fire Marshal Lewis stated a new phone system has been installed at the State Fire Marshal's Office. All extensions are the same except you must add the number 53 in front of the 3 digit extension. The new website is up and running well and we feel it is very user friendly. He introduced the staff of the Fire Marshal's Office that was present at the meeting.

AGENCY REPORTS

Technical and Adult Training, Vo-Tech, Mr. Wilcox stated the Department of Education serves about 120,000 to 150,000 adults a year. The programs they are most proud of are the ones provided to the fire service. They have had a very extensive program going on to improve the EMT scores in WV. They have developed a program called EMT Prep which includes adding a manual which they just finished a Train the Trainer with some of the best teachers throughout the State. He stated that RESA III has a new training center located at Institute, WV called the Emergency Preparedness Center.

Training, WVU-FSE, Mr. Lanny Adkins introduced Mark Doaty who is the new program coordinator. There are 3 individuals working in a 6.5 million dollar building. The official dedication was June 24th. It is a 26,000 square foot facility with 3 classrooms, office space. They are now in negotiations with architects on the drill fill for the future.

The Junior Firefighter Camp was held on June 22-27. He stated they had 52 junior firefighters ages 14 to 17. They had a wonderful time. They were from all over the United States. They had group sessions showing firefighter skills. A CD showing the proceedings was handed out to the Fire Commission. They hope to have 75 students next year.

The National Fire Academy weekend is scheduled for December 6-7, 2008 and the registration will have to be prepaid. They will accept credit cards. Cost is \$70 per

person and includes everything that goes on for the weekend. There will be a memorial service on Sunday morning.

Commissioner Runyon stated he was very impressed with the Junior Firefighter Camp. He stated he thinks all fire departments should send their junior firefighters.

Insurance Services Office (ISO), Mr. Robert Nevins reported that the ISO is undertaking a review of the fire suppression rating schedule which is the document they use to evaluate municipal fire protection across the country. They started this endeavor about 18 months ago. Late this spring, they released the results to outside state holders. A copy of this document has been included in the packets. Mr. Nevins introduced Mr. Ron Bateman who is the resident senior field representative in WV.

Commissioner Bailey stated he would like to thank the ISO for their willingness to meet with the Fire Commission and they always check into whatever we request. They are our friends and everyone has developed a wonderful working relationship.

Office of Emergency Medical Services – Mr. Chuck Peoples stated their agency has undergone a complete reorganization. There are three section leaders now: Deron Wilkes, Operations; March A. Tucker, Jr. Regulatory; Curtis Thomas, Licensure. They have a new website. They are trying to improve their EMT and paramedic test scores. They are planning to create several new positions, one to do recruitment and retention.

COMMITTEE REPORTS

Training Committee, Commissioner James stated the Committee on Thursday with 21 people participating. They discussed the fire training approval application and there was some language clarification and they also added the contact information on the form. He stated this revised form will eventually be placed on the Fire Marshal website.

One new course application received, Tactics and Strategies for Fire Ground by David Donahue of Shepherdstown. This will be reviewed by the Committee and acted upon at the next meeting. Discussion was held about the course approval process and it was decided that each course would be examined on a case by case method as they come in. Reports were heard from WV Department of Education, RESA, WVU Fire Service Extension, Fire Marshal Lewis and ISO.

Commissioner Stallard state an issue was brought up at the Firemen's Convention that there was a bit of confusion around the training requirements and testing, specifically, oral testing for different levels of training. Commissioner James will develop a fact sheet as a one page document that will delineate specific tests that can be taken orally and the process if someone fails the first oral test, having the ability to take another oral retest within a one year period and to clarify what lower level courses would be permitted.

FD Standards Evaluation, Commissioner Oldaker stated that a draft copy of the certificate was handed out. A draft form for the language that will be on the certificate. A number of these certificates are ready to be sent out. He asked that all commissioner review the form and if anyone has any changes they would like made.

The Committee is continuing the Fire Officer 2 process, reviewing the JPR's from the standard to the older classes and the required experience. They hope to have this completed very soon.

Recruitment and Retention Committee, Commissioner Runyon stated he is proud of the State Firemens' Association for what they are doing for recruitment and retention. They are looking at some programs. Some of the officers met with Senator Foster and Delegate Spencer about the problems with recruitment and retention.

Procedures Development Committee, Commissioner Bailey stated he would like to thank the Fire Marshal staff for the work they have displayed and the true diligence and compliment them on the work they have done. The Association a few years ago was up in arms about a particular set of rules and regulations pertaining to the fire service. These rules and regulations were drafted and passed and he wants to thank the subcommittee that was formed to help these rules along. There was no prejudice on the Fire Commission's or any one particular person's side. That is a sign of progress.

Special Issues, Commissioner Bostar – No report.

Legislative and Budget, Commissioner Spencer stated everything is going along on schedule. Fire Marshal Lewis stated data is being put together to submit the FY 2010 budget.

Home Inspectors, Building Code Officials, Building and Fire Code Committees, Commissioner Guffey stated that all entities are working very well. There are a few nonlicensed home inspectors out there and if anyone finds someone without a license, they can report it to the Fire Marshal's Office.

Adoption of the 2009 codes is on track, as soon as they are published and then they will be taken to the Legislature for the 2010 session.

TIME AND PLACE OF NEXT MEETING

The next meeting is scheduled for Pipestem State Park on October 31, 2008. The Committee Meetings will be held on Thursday, October 30, 2008.

The December meeting will be in Lewisburg, WV

GOOD OF THE ORDER

Commissioner Runyon stated he would like for the State Fire Commission to thank the WV State Firemens' Association for hosting the Fire Commission meeting. He stated it should go on record that this is the first time the Firemens' Association has ever hosted the Fire Commission.

The Mid-Atlantic Conference is coming up in September.

ADJOURN

Commissioner Stallard made a motion to adjourn. Commissioner Guffey seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Respectfully submitted,

Sterling Lewis, Jr.
State Fire Marshal